

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GLENN BOWLES,

Plaintiff,

v.

Case No. 20-13175

ELIZABETH DARGA,

Defendant.

**ORDER SETTING HEARING AND OPTIONAL RESPONSE DEADLINE TO
DEFENDANT'S MEMORANDUM OF LAW AND MOTION FOR LEAVE TO FILE
AMENDED ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

On January 12, 2023, the court held an in-person conference, in which it was presented with two issues: (1) Whether Defendant has waived the affirmative defense of common law qualified immunity under Michigan law by failing to plead it in her answer; and (2) Whether Plaintiff's proposed Jury Instruction No. 30 was proper. At the end of the conference, the court ordered Defendant to submit a memorandum of law on these issues by January 23, 2022, with response to be determined. On January 20, 2023, Defendant filed her "Memorandum of Law" (ECF No. 89). Simultaneously, she moved for leave to amend her Answer to assert the affirmative defense of common law qualified immunity. (ECF No. 90.)

IT IS ORDERED that the parties are DIRECTED to appear for oral argument on Defendant's Memorandum of Law (ECF No. 89) and "Motion for Leave to Amend Answer to Plaintiff's First Amended Complaint" (ECF No. 90) at the hearing currently set for **January 26, 2023, at 9:30 AM**. Plaintiff may respond orally to the motion on the

record at the hearing and/or, if desired, may also file a single, written response to Defendant's Memorandum of Law (ECF No. 89) and "Motion for Leave to Amend Answer to Plaintiff's First Amended Complaint" (ECF No. 90) by **4:00 PM on January 25, 2023**.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 23, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 23, 2023, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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